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FACSIMILE COVER SHEET

746-5063

Examiner: Dong Jiang

FAX No.: 703-305-1345

Group Art Unit: 1646

Date: October 21, 2002

From: Gary D. Colby, Ph.D., J.D.

FAX Operator:

Re: U.S. Patent Application No. 09/333,159

Title of Paper sent via Facsimile: Amendment Transmittal;

Amendment After Final Rejection;

Petition for Extension of Time Under 37 C.F.R. §1.136(a);

Marked-Up Copy of Amended Claims; and

Clean Copy of Amended Claims

Time: _____ Akin Gump File No: 210147.0006/6US

Page 1 of 30 pages

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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re: | Patent Application of Sean A. McCarthy <i>et al.</i> | : Group Art Unit: : 1646 |
| Conf. No.: | 3785 | : |
| Appln. No.: | 09/333,159 | : Examiner: : Dong Jiang |
| Filed: | June 14, 1999 | : |
| For: | NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC, PREVENTIVE THERAPEUTIC, AND OTHER USES | : Attorney Docket : No. 10147-6 : (MBIO99-030) |

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M.G.J
11/19/02
(NE)

AMENDMENT AFTER FINAL REJECTION

The Applicants appreciate the Examiner's participation in the telephone interview conducted on **October 15, 2002 at 2:00 p.m.** among the Examiner, Primary Examiner Spector, the Applicants' attorney Paul Paglierani, and the Applicants' undersigned representative.

The Applicants believe that agreement was reached during the interview regarding subject matter that would be considered allowable at this time and also regarding other subject matter that the Examiners would not be willing to allow at this time. In this Amendment, the Applicants believe that they have eliminated from the scope of the claims subject matter that the Examiners are not presently inclined to allow, and that the claims pending after entry of this Amendment include only subject matter that the Examiner is willing to allow.

This Amendment responds to the Office Action mailed May 20, 2002 (Paper No. 9). This Amendment is timely filed in view of the accompanying Petition for a Two-Month Extension of Time, which extends the period available for responding to the Office Action through and including October 21, 2002 (October 20, 2002 being Sunday). This Amendment is
filed by fax on October 21, 2002

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01 FC:1252 400.00 CH
02 FC:1202 468.00 CH